

Executive Summary – Enforcement Matter – Case No. 51373

ALON USA, LP

RN100250869

Docket No. 2015-1519-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Alon USA Big Spring Refinery, located adjacent to IH-20 and approximately a half mile east of the intersection of IH-20 and Farm-to-Market Road 700, east of Big Spring, Howard County

Type of Operation:

Petroleum refinery with a wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 12, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$45,000

Amount Deferred for Expedited Settlement: \$9,000

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$36,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 51373
ALON USA, LP
RN100250869
Docket No. 2015-1519-IWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: August 25, 2015
Date(s) of NOE(s): September 2, 2015

Violation Information

Failed to comply with permitted effluent limits for cyanide, sulfide, and 5-day carbonaceous biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001768000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 002 and 101].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0001768000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Steven Van Landingham, Enforcement Division, Enforcement Team 3, MC 128, (512) 239-5717; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483

TCEQ SEP Coordinator: N/A

Respondent: James Ranspot, Senior Vice President & General Counsel, ALON USA, LP, 7616 Lyndon B. Johnson Freeway, Suite 300, Dallas, Texas 75251-1100
David Wiessman, Chairman, ALON USA, LP, 7616 Lyndon B. Johnson Freeway, Suite 300, Dallas, Texas 75251-1100

Respondent's Attorney: N/A



Policy Revision 4 (April 2014)

Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

TCEQ

DATES Assigned 7-Sep-2015
PCW 2-Nov-2015 **Screening** 22-Sep-2015 **EPA Due** 5-Dec-2015

RESPONDENT/FACILITY INFORMATION

Respondent ALON USA, LP
Reg. Ent. Ref. No. RN100250869
Facility/Site Region 7-Midland **Major/Minor Source** Major

CASE INFORMATION

Enf./Case ID No. 51373 **No. of Violations** 2
Docket No. 2015-1519-IWD-E **Order Type** 1660
Media Program(s) Water Quality **Government/Non-Profit** No
Multi-Media **Enf. Coordinator** Steven Van Landingham
EC's Team Enforcement Team 3

Admin. Penalty \$ Limit Minimum \$0 **Maximum** \$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$22,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 100.0% Adjustment **Subtotals 2, 3, & 7** \$22,500

Notes Enhancement for six months of self-reported effluent violations, one NOV with dissimilar violations, two orders with a denial of liability, and one final judgment with a denial of liability.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$168
 Estimated Cost of Compliance \$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$45,000

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$45,000

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$45,000

DEFERRAL

20.0% Reduction Adjustment -\$9,000

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$36,000

Screening Date 22-Sep-2015

Docket No. 2015-1519-IWD-E

PCW

Respondent ALON USA, LP

Policy Revision 4 (April 2014)

Case ID No. 51373

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100250869

Media [Statute] Water Quality

Enf. Coordinator Steven Van Landingham

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 102%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for six months of self-reported effluent violations, one NOV with dissimilar violations, two orders with a denial of liability, and one final judgment with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 102%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 22-Sep-2015

Docket No. 2015-1519-IWD-E

PCW

Respondent ALON USA, LP

Policy Revision 4 (April 2014)

Case ID No. 51373

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100250869

Media [Statute] Water Quality

Enf. Coordinator Steven Van Landingham

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001768000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 002

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on August 25, 2015, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate total cyanide to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of this discharge, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One monthly event is recommended for the month of January 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$168

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

Economic Benefit Worksheet

Respondent ALON USA, LP
Case ID No. 51373
Reg. Ent. Reference No. RN100250869
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Jan-2015	3-Jun-2015	0.34	\$168	n/a	\$168

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$168

Screening Date 22-Sep-2015

Docket No. 2015-1519-IWD-E

PCW

Respondent ALON USA, LP

Policy Revision 4 (April 2014)

Case ID No. 51373

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100250869

Media [Statute] Water Quality

Enf. Coordinator Steven Van Landingham

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0001768000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 002 and 101

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on August 25, 2015, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4

150 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended for the months of February, March, April, May, and June 2015 (two quarters per outfall).

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$30,000

This violation Final Assessed Penalty (adjusted for limits) \$30,000

Economic Benefit Worksheet

Respondent ALON USA, LP
Case ID No. 51373
Reg. Ent. Reference No. RN100250869
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit included in Violation No. 1

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

ALON USA, LP					
Docket No. 2015-1519-IWD-E					
TPDES Permit No. WQ0001768000					
Permitted Effluent Violation Table					
	Outfall Number 002				
	CBOD ₅	Sulfide		Cyanide	
	Daily Max. Conc.	Daily Avg. Conc.	Daily Max. Conc.	Daily Avg. Conc.	Daily Max. Conc.
Month/ Year	Limit = 30 mg/L	Limit = 0.215 mg/L	Limit = 0.430 mg/L	Limit = 0.0358 mg/L	Limit = 0.0759 mg/L
January 2015	c	c	c	0.09	0.15
February 2015	42.5	c	c	c	0.11
April 2015	c	1	5	c	c
June 2015	c	1.17	2	c	0.1
	Outfall Number 101				
	Sulfide				
	Daily Avg. Conc.	Daily Max. Conc.			
Month/ Year	Limit = 2.2 mg/L	Limit = 5 mg/L			
March 2015	3	c			
May 2015	3	12			
June 2015	c	8			

Avg. = Average

c = compliant

Conc. = Concentration

Max. = Maximum

Min. = Minimum

mg/L = milligrams per liter

CBOD₅ = Carbonaceous Biochemical Oxygen Demand (5-day)

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PENDING Compliance History Report for CN600881783, RN100250869, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600881783, ALON USA, LP

Classification: SATISFACTORY

Rating: 6.54

Regulated Entity: RN100250869, ALON USA BIG SPRING REFINERY

Classification: SATISFACTORY

Rating: 7.70

Complexity Points: 34

Repeat Violator: NO

CH Group: 02 - Oil and Petroleum Refineries

Location: LOCATED ADJACENT TO INTERSTATE HIGHWAY 20 AND APPROXIMATELY ½ MILE EAST OF THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND FARM-TO-MARKET 700, EAST OF BIG SPRING, HOWARD COUNTY, TEXAS

TCEQ Region: REGION 07 - MIDLAND

ID Number(s):

WASTEWATER PERMIT 2E0000032

AIR OPERATING PERMITS PERMIT 1505

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50140

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30083

AIR NEW SOURCE PERMITS REGISTRATION 15407

AIR NEW SOURCE PERMITS PERMIT 20487

AIR NEW SOURCE PERMITS PERMIT 21013

AIR NEW SOURCE PERMITS REGISTRATION 23836

AIR NEW SOURCE PERMITS REGISTRATION 27065

AIR NEW SOURCE PERMITS REGISTRATION 31834

AIR NEW SOURCE PERMITS PERMIT 36845

AIR NEW SOURCE PERMITS REGISTRATION 39184

AIR NEW SOURCE PERMITS REGISTRATION 48115

AIR NEW SOURCE PERMITS PERMIT 49154

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HT0011Q

AIR NEW SOURCE PERMITS REGISTRATION 76223

AIR NEW SOURCE PERMITS REGISTRATION 70204

AIR NEW SOURCE PERMITS REGISTRATION 71018

AIR NEW SOURCE PERMITS REGISTRATION 71293

AIR NEW SOURCE PERMITS PERMIT 73323

AIR NEW SOURCE PERMITS REGISTRATION 74448

AIR NEW SOURCE PERMITS REGISTRATION 78556

AIR NEW SOURCE PERMITS PERMIT 80833

AIR NEW SOURCE PERMITS REGISTRATION 84775

AIR NEW SOURCE PERMITS REGISTRATION 88517

AIR NEW SOURCE PERMITS REGISTRATION 51700

AIR NEW SOURCE PERMITS REGISTRATION 92615

AIR NEW SOURCE PERMITS REGISTRATION 95378

AIR NEW SOURCE PERMITS REGISTRATION 103186

AIR NEW SOURCE PERMITS REGISTRATION 102218

AIR NEW SOURCE PERMITS REGISTRATION 102238

AIR NEW SOURCE PERMITS REGISTRATION 103166

AIR NEW SOURCE PERMITS REGISTRATION 103174

AIR NEW SOURCE PERMITS REGISTRATION 102255

AIR NEW SOURCE PERMITS REGISTRATION 103142

AIR NEW SOURCE PERMITS REGISTRATION 102236

AIR NEW SOURCE PERMITS REGISTRATION 103164

AIR NEW SOURCE PERMITS REGISTRATION 103171

AIR NEW SOURCE PERMITS REGISTRATION 103190

AIR OPERATING PERMITS ACCOUNT NUMBER HT0011Q

POLLUTION PREVENTION PLANNING ID NUMBER

P00240

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD008013468

AIR NEW SOURCE PERMITS PERMIT 51A

AIR NEW SOURCE PERMITS REGISTRATION 18782

AIR NEW SOURCE PERMITS PERMIT 20628

AIR NEW SOURCE PERMITS PERMIT 21392

AIR NEW SOURCE PERMITS REGISTRATION 25233

AIR NEW SOURCE PERMITS REGISTRATION 28979

AIR NEW SOURCE PERMITS REGISTRATION 31904

AIR NEW SOURCE PERMITS REGISTRATION 38097

AIR NEW SOURCE PERMITS REGISTRATION 41916

AIR NEW SOURCE PERMITS REGISTRATION 50028

AIR NEW SOURCE PERMITS PERMIT 50209

AIR NEW SOURCE PERMITS PERMIT 53425

AIR NEW SOURCE PERMITS AFS NUM 4822700001

AIR NEW SOURCE PERMITS REGISTRATION 70215

AIR NEW SOURCE PERMITS REGISTRATION 70658

AIR NEW SOURCE PERMITS REGISTRATION 71774

AIR NEW SOURCE PERMITS REGISTRATION 74005

AIR NEW SOURCE PERMITS REGISTRATION 77393

AIR NEW SOURCE PERMITS REGISTRATION 78640

AIR NEW SOURCE PERMITS REGISTRATION 82085

AIR NEW SOURCE PERMITS REGISTRATION 87417

AIR NEW SOURCE PERMITS REGISTRATION 87851

AIR NEW SOURCE PERMITS REGISTRATION 90993

AIR NEW SOURCE PERMITS REGISTRATION 92136

AIR NEW SOURCE PERMITS REGISTRATION 95878

AIR NEW SOURCE PERMITS REGISTRATION 102242

AIR NEW SOURCE PERMITS REGISTRATION 101913

AIR NEW SOURCE PERMITS REGISTRATION 103162

AIR NEW SOURCE PERMITS REGISTRATION 102237

AIR NEW SOURCE PERMITS REGISTRATION 103187

AIR NEW SOURCE PERMITS REGISTRATION 103156

AIR NEW SOURCE PERMITS REGISTRATION 102233

AIR NEW SOURCE PERMITS REGISTRATION 103160

AIR NEW SOURCE PERMITS REGISTRATION 102796

AIR NEW SOURCE PERMITS REGISTRATION 103189

AIR NEW SOURCE PERMITS REGISTRATION 103158

AIR NEW SOURCE PERMITS REGISTRATION 102256
AIR NEW SOURCE PERMITS REGISTRATION 102241
AIR NEW SOURCE PERMITS REGISTRATION 102234
AIR NEW SOURCE PERMITS REGISTRATION 103146
AIR NEW SOURCE PERMITS REGISTRATION 102239
AIR NEW SOURCE PERMITS REGISTRATION 102240
AIR NEW SOURCE PERMITS REGISTRATION 103144
AIR NEW SOURCE PERMITS REGISTRATION 109237
AIR NEW SOURCE PERMITS REGISTRATION 120041
AIR NEW SOURCE PERMITS REGISTRATION 111025
AIR NEW SOURCE PERMITS REGISTRATION 126155
AIR NEW SOURCE PERMITS REGISTRATION 112751
UNDERGROUND INJECTION CONTROL PERMIT WDW329
UNDERGROUND INJECTION CONTROL PERMIT WDW331
WASTEWATER PERMIT WQ0001768000
STORMWATER PERMIT TXR05AZ39

AIR NEW SOURCE PERMITS REGISTRATION 103188
AIR NEW SOURCE PERMITS REGISTRATION 103154
AIR NEW SOURCE PERMITS REGISTRATION 102252
AIR NEW SOURCE PERMITS REGISTRATION 103143
AIR NEW SOURCE PERMITS REGISTRATION 103191
AIR NEW SOURCE PERMITS REGISTRATION 103145
AIR NEW SOURCE PERMITS REGISTRATION 103185
AIR NEW SOURCE PERMITS REGISTRATION 119374
AIR NEW SOURCE PERMITS REGISTRATION 125561
AIR NEW SOURCE PERMITS REGISTRATION 113295
AIR NEW SOURCE PERMITS REGISTRATION 131508
AIR NEW SOURCE PERMITS REGISTRATION 123201
UNDERGROUND INJECTION CONTROL PERMIT WDW330
WASTEWATER PERMIT WQ0004539000
WASTEWATER EPA ID TX0104515
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30083

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HT0011Q

Compliance History Period: September 01, 2010 to August 31, 2015 Rating Year: 2015 Rating Date: 09/01/2015

Date Compliance History Report Prepared: September 16, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 16, 2010 to September 16, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Steven Van Landingham

Phone: (512) 239-5717

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 03/19/2011 ADMINORDER 2010-1640-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions PERMIT
Description: Failed to submit a semi-annual deviation report within thirty days of the end of the reporting period. Specifically, the report for the period September 24, 2008 through March 23, 2009 was due by April 22, 2009; however, it was not submitted until April 24, 2009.
- 2 Effective Date: 04/27/2013 ADMINORDER 2012-0356-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Lim. and Monit. Req. No. 1 PERMIT
Description: Failed to comply with permitted effluent limitations.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.7(d)
Rqmt Prov: Monit. & Rep. Req. No. 1 PERMIT
Description: Failure to timely submit effluent monitoring results at the intervals specified in the permit.
- 3 Effective Date: 02/13/2014 COURTORDER (Final Judgement-Agreed Order With Denial)
Classification: Major
Citation: 5C THSC Chapter 382 382.085
Description: Alon failed to prevent unauthorized emissions from impacting the atmosphere and causing or contributing to air pollution, pursuant to Texas Health and Safety Code 382.085(a). The explosion and fire medically impacted five people.
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.5

Description: Failure to prevent debris from leaving the plant property and causing a traffic hazard.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	October 20, 2010	(929541)	Item 34	July 03, 2013	(1098778)
Item 2	November 09, 2010	(870019)	Item 35	July 12, 2013	(1099929)
Item 3	November 24, 2010	(929542)	Item 36	July 22, 2013	(1118771)
Item 4	February 15, 2011	(894791)	Item 37	August 15, 2013	(1105751)
Item 5	February 16, 2011	(892930)	Item 38	August 20, 2013	(1126553)
Item 6	February 22, 2011	(899392)	Item 39	September 19, 2013	(1131102)
Item 7	March 04, 2011	(910588)	Item 40	October 21, 2013	(1136857)
Item 8	March 10, 2011	(900600)	Item 41	November 19, 2013	(1142271)
Item 9	April 11, 2011	(929543)	Item 42	January 17, 2014	(1148709)
Item 10	April 20, 2011	(929540)	Item 43	February 20, 2014	(1162099)
Item 11	June 20, 2011	(946956)	Item 44	March 14, 2014	(1168718)
Item 12	July 19, 2011	(954217)	Item 45	April 25, 2014	(1175893)
Item 13	August 19, 2011	(960796)	Item 46	May 14, 2014	(1182118)
Item 14	September 20, 2011	(966879)	Item 47	May 19, 2014	(1158814)
Item 15	December 21, 2011	(985835)	Item 48	May 21, 2014	(1121758)
Item 16	February 06, 2012	(992187)	Item 49	June 10, 2014	(1189012)
Item 17	February 21, 2012	(999501)	Item 50	July 11, 2014	(1200870)
Item 18	March 20, 2012	(1005041)	Item 51	August 11, 2014	(1200871)
Item 19	May 18, 2012	(1017977)	Item 52	September 09, 2014	(1207344)
Item 20	June 19, 2012	(1025723)	Item 53	October 17, 2014	(1213747)
Item 21	July 20, 2012	(1033072)	Item 54	November 12, 2014	(1219999)
Item 22	August 20, 2012	(1039580)	Item 55	December 11, 2014	(1177430)
Item 23	September 04, 2012	(892488)	Item 56	December 12, 2014	(1225810)
Item 24	September 20, 2012	(1048503)	Item 57	January 09, 2015	(1232805)
Item 25	October 20, 2012	(1068679)	Item 58	February 23, 2015	(1227386)
Item 26	November 21, 2012	(1068680)	Item 59	March 16, 2015	(1228287)
Item 27	December 21, 2012	(1068681)	Item 60	June 11, 2015	(1253885)
Item 28	January 20, 2013	(1082289)	Item 61	June 22, 2015	(1253817)
Item 29	February 20, 2013	(1082288)	Item 62	June 29, 2015	(1253901)
Item 30	March 19, 2013	(1055917)	Item 63	June 30, 2015	(1260794)
Item 31	April 19, 2013	(1097259)	Item 64	July 09, 2015	(1253947)
Item 32	May 20, 2013	(1108283)	Item 65	July 13, 2015	(1253990)
Item 33	June 20, 2013	(1111870)			

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	01/31/2015	(1243807)	CN600881783	
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
2	Date:	02/28/2015	(1250174)	CN600881783	
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
3	Date:	03/31/2015	(1257068)	CN600881783	
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
4	Date:	04/30/2015	(1263836)	CN600881783	
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			

5	Date: 05/31/2015 (1270935) CN600881783 Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter
6	Date: 06/30/2015 (1278495) CN600881783 Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter
7	Date: 08/31/2015 (1275394) CN600881783 Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1) 5C THSC Chapter 382 382.085(b) Description: Failure to submit initial notification within 24 hours after discovery of an emissions event.
	Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) Description: Failure to include all deviations from earlier reporting periods in the appropriate report. (Alon ID 09-006TV and Alon ID 03-001TV) This is an alleged violation of 30 Texas Administrative Code (TAC) 122.145(2)(A) which requires that all permit deviations during a compliance period must be reported in a deviation report filed within 30 days after the end of the compliance period. This is a category C3 violation according to the Enforcement Initiation Criteria, revision 14 (EIC rev 14).
	Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 101, SubChapter A 101.20(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c) 5C THSC Chapter 382 382.085(b) Description: Failure to include a 385 hour period of Continuous Emissions Monitoring (CEMS) inoperability in the 24 Boiler CEMS Semi-annual report. Also failed to include total inoperable time exceeded 5%. This is a violation of 30 TAC 101.20(1). This is also a violation of 40 Code of Federal Regulations (CFR) 60.7(c).

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ALON USA, LP
RN100250869

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER
DOCKET NO. 2015-1519-IWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ALON USA, LP ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery with a wastewater treatment facility located adjacent to Interstate Highway 20 and approximately 1/2 mile east of the intersection of Interstate Highway 20 and Farm-to-Market Road 700, east of Big Spring, Howard County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 7, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Forty-Five Thousand Dollars (\$45,000) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Thirty-Six Thousand Dollars (\$36,000) of the administrative penalty and Nine Thousand Dollars (\$9,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001768000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 002 and 101, as documented during a record review conducted on August 25, 2015, and shown in the violation table below.

Permitted Effluent Violation Table					
	Outfall Number 002				
	CBOD ₅	Sulfide		Cyanide	
	Daily Max. Conc.	Daily Avg. Conc.	Daily Max. Conc.	Daily Avg. Conc.	Daily Max. Conc.
Month/ Year	Limit = 30 mg/L	Limit = 0.215 mg/L	Limit = 0.430 mg/L	Limit = 0.0358 mg/L	Limit = 0.0759 mg/L
January 2015	c	c	c	0.09	0.15
February 2015	42.5	c	c	c	0.11
April 2015	c	1	5	c	c
June 2015	c	1.17	2	c	0.1
	Outfall Number 101				
	Sulfide				
	Daily Avg. Conc.	Daily Max. Conc.			
Month/ Year	Limit = 2.2 mg/L	Limit = 5 mg/L			
March 2015	3	c			
May 2015	3	12			
June 2015	c	8			

Avg. = Average

c = compliant

Conc. = Concentration

Max. = Maximum

Min. = Minimum

mg/L = milligrams per liter

CBOD₅ = Carbonaceous Biochemical Oxygen Demand
(5-day)

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ALON USA, LP, Docket No. 2015-1519-IWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0001768000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language further ordered that the Respondent shall undertake the following technical requirements:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Midland Regional Office
Texas Commission on Environmental Quality
9900 W. IH-20, Ste. 100
Midland, Texas 79706

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

4/8/16

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

1/11/2016
Date

James Ranspat
Name (Printed or typed)
Authorized Representative of
ALON USA, LP

SVP + General Counsel
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.